United Nations S/2002/1187

Security Council

Distr.: General
23 October 2002

Original: English

**Letter dated 23 October 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council**

I have the honour to forward herewith the statement and the reply made by the Government of Rwanda to the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

02-66191 (E) 051102

## Annex to the letter dated 23 October 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

## Statement by the Government of Rwanda on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

22 October 2002

1. The Government of the Republic of Rwanda has noted with grave concern a number of issues raised in the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

2. The report says nothing new and like previous reports simply recycles unsubstantiated allegations and blatant falsehoods.

3. The Government of the Republic of Rwanda has previously stated and maintains that these politically motivated reports are lacking in facts but abundant in insinuations and accusations, whose negative consequences to regional peace and stability are all too clear.

4. The report attempts not only to criminalize the Government and people of Rwanda, but also to intimidate and blackmail them into silence and inaction against the authors of the 1994 genocide in Rwanda, the ex-FAR and Interahamwe. This is neither acceptable nor justifiable.

5. The motives behind this relentless campaign are the attempt to cover up the failures of the international community to prevent and stop the 1994 genocide whose legacy continues to fuel conflicts in the Great Lakes region.

6. The Government of the Republic of Rwanda seriously questions the motives and credibility of the authors of the report, whose intentions clearly undermine efforts towards a peaceful settlement of the conflicts in the Great Lakes region.

7. The Government of the Republic of Rwanda will continue to fulfil its obligations to ensure peace and security for its people and will not be derailed from meeting these obligations by the same international community that abandoned Rwanda in her greatest hour of need.

8. The Government of the Republic of Rwanda rejects the report in its entirety and will, in due course, make a formal and appropriate response.

# Reply of Rwanda to the final report (S/2002/1146) of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

23 October 2002

## Contents


| | | Page |
|---|---|---|
| I. | Introduction | 5 |
| II. | The security concerns of Rwanda in the Democratic Republic of the Congo | 6 |
| III. | Criminal groups | 9 |
| IV. | Illegal mining and trade in minerals | 9 |
| V. | Requisition of private property for the war effort | 10 |
| VI. | Post-withdrawal economic control mechanisms | 10 |
| VII. | Replacement of local Congolese currency with the Rwandan franc | 11 |
| VIII. | Allegations relating to a continuing military presence of the RPA in the Democratic Republic of the Congo | 11 |
| IX. | Involuntary repatriation of Congolese refugees | 12 |
| X. | Use of forced labour | 13 |
| XI. | Undermining the economy of the Democratic Republic of the Congo | 13 |
| XII. | Conclusion | 14 |

## Abbreviations

| | |
|---|---|
| RPA | Rwandan Patriotic Army |
| RCD | Rassemblement congolais pour la démocratie |
| ANC | Armée nationale congolaise |
| DRC | Democratic Republic of the Congo |
| MONUC | United Nations Organization Mission in the Democratic Republic of the Congo |
| FAR | Forces armées rwandaises |

# I. INTRODUCTION

The Panel of Experts on the Illegal Exploitation of the Natural Resources and other forms of Wealth of the Democratic Republic of Congo has issued its final report.

This final test report became necessary because the previous ones were entirely discredited. The panel had been tasked to review and update the previous reports; and produce a more sound and researched analysis.

However, it is clearly, the report also lacks credibility and would ordinarily not even merit a response. However, because of the gravity of allegations contained in the report, however outrageous they may be, the Government of Rwanda wishes to put its response to the allegations contained in the report on record.

The report is biased, subjective and not based on credible evidence. Its authors make wild and generalised allegations about the existence of criminal groups linked to national armies but does not, at least in the case Rwanda, identify the individuals who comprise the groups. The report does not make any attempt to clarify which country's laws have been violated and what crimes these individuals have committed.

The authors of the report allege that they are in possession of much documentary evidence but they do not make this evidence public. The victims of the report's defamatory statements are deprived of the benefit of having this so called evidence subjected to public scrutiny. The report's authors say they had access to reliable witnesses but have not indicated who these sources were, choosing to cite one ex-Interahamwe militia man whom any reasonable person would ordinarily dismiss as partial and discredited. The report says the RPA has widespread mining interests in the DRC but fails to name the location of even one such mine.

The Government of Rwanda denies in the strongest terms possible the preposterous and malicious allegation that the presence of its troops in the DRC was in any way motivated by a desire to exploit that country's resources. The Government of Rwanda denies the deplorable allegations that any of its institutions or public officers, whether civilian or military, has in any way exploited the natural resources of the DRC or benefited from Rwanda's presence in that country. On the contrary, the presence of Rwanda's troops in the DRC has been a financial burden and a sacrifice for the people of Rwanda.

The Government of Rwanda is shocked by the outrageous contents of this report. The report contains innumerable false and alarming allegations and makes conclusions which are not supported by any evidence. It also makes adverse recommendations for which there is no factual basis and whose objectives are questionable.

## II. THE SECURITY CONCERNS OF RWANDA IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**The report makes the shallow and cynical assertion that of the causes of war in the Democratic Republic of Congo are the desire by various groups to control minerals, farm produce, land and even tax revenues (para 12). The authors of the report make the senseless argument that the real long-term purpose of the military presence of Rwanda in the DRC was 'to secure property'(para 65) and asserts, against the weight of all available evidence and the UN Security Council's own assessment; that Rwanda does not face any threat from the DRC; that Rwanda's security concerns are a figment of imagination and that her presence in the DRC was solely motivated by economic gain; that with minor exceptions, the objective of military activities of Rwanda in the DRC was to secure access to mining sites or to ensure the supply of captive labour (para 93); that the rationale for Rwanda's presence in the DRC was to increase the number of Rwandans in the eastern DRC and to encourage those settled there to act in unison to support Rwanda's economic control (para 69).**

The report's assertion that Rwanda does not face any security threats from the DRC is outrageous and constitutes a continuation of the conspiracy to negate the 1994 genocide and protect the genocidaires, Interahamwe, the Ex- FAR and their supporters. The authors of the report certainly know that this absurd assertion is inconsistent with widely acknowledged facts given that the chairman of this panel was the chairman of the United Nations Commission of Inquiry on the Sale, Supply and Shipment of Arms and related material in the Great Lakes Region of Africa.

The dangers posed to Rwanda by these groups have been confirmed by the above mentioned Commission of Inquiry on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa[1].

The United Nations Security Council has passed a resolution[2] on the activities of these groups in the DRC. The resolution provides[3] that the Security Council:

> *«Condemns the continuing activity of and support to all armed groups, including the Ex-Rwandese Armed Forces, Interahamwe, and others in the Democratic Republic of Congo »*

The threats to Rwanda's security date back to 1994. After killing more than a million Rwandans, the genocidal forces fled to the then Zaire. The ex-FAR begun regrouping upon arrival in the refugee camps. The Interahamwe and other militia were remobilised and commenced military training. New combatants were recruited from residents of all the refugee camps.

Human Rights Watch documented the activities of these armed groups. In May 1995, the Human Rights Watch "Arms Project" produced a report[4] which gave details of these groups. The report states:

---

[1] The Commission's report is UN document S/1998/581
[2] Resolution 1234 (1999)
[3] Article 8.
[4] See the report, ***Arming with Impunity***, published in May 1995

*"A year after the genocide, the perpetrators of the Rwandan genocide have rebuilt their military structure, largely in Zaire, and are rearming themselves in preparation for a violent return to Rwanda. Waging a campaign of terror and destabilisation against the new government in Kigali, they have vowed, in the words of one official of the former government, Col. Theoneste Bagosora, to "wage a war that will be long and full of dead people until the minority Tutsi are finished and completely out of the country". Several members of the international community... have aided and abetted this effort through a combination of direct shipments of arms, facilitating such shipments from other sources, and providing other forms of military assistance, including training... Acting with impunity, these forces rule over the refugee population through intimidation and terror, effectively preventing the return of refugees to their homes in Rwanda, while inducting new recruits into the former Rwanda Armed Forces (FAR) and militias. Emboldened by the military assistance, including arms, they openly declared their intention to return to Rwanda and, in the words of one ex-FAR Commander, Col. Musonera, " to kill all Tutsi who prevent us from returning". Currently, the ex-FAR has an estimated troop strength of 50,000 men over a dozen camps and has brought the militia more tightly under its control."*

The presence and activities of these groups, so close to Rwanda's borders, represented a very serious threat to Rwanda's survival. The Government of Rwanda protested time and again to the international community, pleading that the militarisation of the camps be brought to an end, but to no avail. At the end of 1996, Rwanda was compelled to move in to close the camps, liberate the refugee hostages and repatriate them back to Rwanda.

The armed groups, which had been operating from the camps did not, for the most part, return to Rwanda with the rest of the refugees. Together with a minority of civilian non-combatants, they moved further into the DRC, some even going as far as the Central African Republic, Congo Brazzaville and Angola.

The aforementioned groups, in collaboration with some of the refugees who had been repatriated to Rwanda in 1996 and 1997, launched a new insurgency against Rwanda in 1997 and 1998[5]. However, the Government of Rwanda was able to put an end to this rebellion and the remnants of these insurgents moved back into the DRC.

These insurgent groups have never been disarmed, nor have they abandoned their plans to wage war against Rwanda. At some point during their stay in the DRC, they were able to secure an agreement for assistance from President Kabila's government. The Government of the DRC clandestinely started remobilising these combatants, retraining them and arming them to wage war against Rwanda once more. The Government of Rwanda raised these issues with the Government of the DRC on numerous occasions in 1997 and 1998, but the Government of the DRC paid no heed and continued with the process of preparing these groups to resume war against Rwanda.

The outbreak of conflict in the DRC in August 1998 offered these armed groups a golden opportunity to further their plan to invade Rwanda and continue genocide. The Interahamwe

[5] See the study, ***Rwanda: The insurgency in the North West***, Africa Rights (1998).

and Ex- FAR now make up the backbone of the army of the DRC government. The Government of Rwanda has credible intelligence, which it has communicated to the Third Party under the Pretoria Agreement, that the Ex-Far and Interahamwe in the DRC government army number more than 40.000. They have been armed and supplied with weapons. They fight on behalf of the DRC government with the promise that it will be assisted to fight Rwanda if and when the current conflict is resolved in favour of President Kabila's government. Since 1998, the RPA has been engaged in daily battles with these genocidal forces as illustrated by the over 6.000 captives who can bear testimony.

Armed Rwandese militia groups have been involved for some time in other diverse conflicts in the region, particularly in Congo Brazzaville, Angola, Burundi, Sudan and Central African Republic

The existence and active operations of these armed groups represent an extremely grave challenge to the maintenance of peace and security in Rwanda.

The United Nations Commission on Human Rights has in the past underscored the threat posed to Rwanda's security by armed groups operating from the DRC. One of its resolutions on Rwanda[6] has expressly provided that the Commission on Human Rights:

> "***Article 14***
>
> *(a) Takes note with concern the report of the International Commission of Inquiry on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa;*
>
> ***Article 15***
>
> *Condemns the illegal sale and distribution of arms and all other forms of assistance to former members of the Rwandan Armed Forces, Interahamwe and other insurgent groups that have a negative impact on human rights and undermine peace and stability in Rwanda and the region.* "

The Government of the DRC by signing the Lusaka and Pretoria Agreements, conceded that these groups exist and undertook to identify, intern, disarm and repatriate them. MONUC has confirmed their presence.

Lastly, the UN Security Council has on numerous occasions acknowledged the dangers which the presence of armed groups in the DRC pose to Rwanda's stability[7].

A report of the so called experts which, calls into question the dangers posed to Rwanda's security by these groups can only be an illustration of the sheer incompetence or deliberate conspiracy of the authors.

---

[6] Resolution 2000/21.
[7] See UN Security Council Resolutions

## III. CRIMINAL GROUPS

**The report alleges that there are criminal groups linked to the armies of Rwanda, Uganda and Zimbabwe and the Government of the DRC which have benefited from the micro conflicts in the DRC; that the groups have built a self financing war economy centered on mineral exploitation; that these groups will not disband voluntarily even as the foreign military forces continue their withdrawals ( para 12).**

The Government of Rwanda categorically denies that its armed forces,which have been based in the DRC have had any links whatsoever with any criminal groups. The Government of Rwanda also denies that any criminal groups have operated in areas in which the RPA was based. The report, apart from making general allegations about the existence of these criminal groups in areas under the control of the RPA, has not furnished any details of members of the alleged criminal groups. The Government of Rwanda challenges the authors of the report to give specific particulars of the identity of these criminal groups, their membership, the nature of their crimes and clear evidence of linkage to the RPA.

## IV. ILLEGAL MINING AND TRADE IN MINERALS

**The report alleges that *real long-term purpose* of the military presence of Rwanda in the DRC was *'to secure property'*(para 65); that the RPA has been involved in large scale mining activities in areas of Eastern DRC which have been under its control; that the RPA mining *detaches* whose responsibility was to manage mining activities( para 15); that there are RPA units specialising in mining operations which remain in place and active in the DRC, though they have ceased to wear uniforms and intend to continue the mining activities under a commercial guise ( para 15); that there are RCD forces under the command of RPA officers which are used to attack self help groups who obstruct their commercial operations, to eliminate specific enemies and to provide security around gold, coltan and diamond rich areas ( para 16).**

The Government of Rwanda categorically denies the malicious imputation that its decision in sending Rwandan troops to the Congo was motivated by economic considerations. Neither the RPA as an institution nor any of its members ever engaged in mining activities during the period it was based in the DRC. Consequently, the RPA units which the report says specialise in mining activities do not exist. No members of the RPA remain in the DRC to continue mining activities as alleged or for any other purpose.

The content of the report is aimed at distorting the mission of the RPA. The RPA is not some form of quasi-commercial firm as the panel would have the world believe. The allegation that the RPA has a commercial wing named "Congo Desk" is nothing but a fabrication intended to wrongfully portray the RPA negatively and thus down play its role in securing Rwanda. This is illustrated by the fact that the previous report (para 127 S/2001/357) the "Congo Desk" was referred to as a department of external relations yet the current report calls it a commercial wing of the RPA. In particular, the report is aimed at misleading the whole world that the primary objective of Rwanda's military presence was economic exploitation and that security considerations were non-existent. The RPA went into the DRC because the genocidal forces operating from DRC territory threatened Rwanda's vital security interests. By sending its troops into the Congo, Rwanda has been able to enjoy unparalleled peace and security, a fact that even our detractors and foes can hardly deny.

## V. REQUISITION OF PRIVATE PROPERTY FOR THE WAR EFFORT

**The report alleges that the RPA has requisitioned or looted private property for its military campaigns( paras 90 and 92 ); that RPA forces have attacked and burnt villages to seize coltan mined by some Hutu groups or villages ( para 93);**

The RPA has not requisitioned private property for the war effort as the alleged in the report The allegations that RPA forces have attacked and destroyed villages in order to steal minerals belonging to the population are false. Instead, the RPA has worked tirelessly to protect the population, irrespective of their ethnic belonging from marauding militia such as the Mai Mai and other armed groups including the Ex- FAR and Interahamwe. The RPA is widely acknowledged to be a very disciplined military force. Indeed, its brilliant success over the years is owed to its exemplary discipline. The report's portrayal of the RPA as a criminal and bandit force and the allegation that it has targeted Hutu communities in the DRC to deprive them of their property is untrue and reflects the panel's prejudice and attempts to incite ethnic hatred.

## VI. POST-WITHDRAWAL ECONOMIC CONTROL MECHANISMS

**The report alleges that in an attempt to retain economic control of areas of the DRC after the withdrawal of its troops, the Government of Rwanda, like Zimbabwe and Uganda, has adopted strategies for maintaining the mechanisms for revenue generation, many of which involve criminal activities (para 13); that Rwanda has replaced Congolese directors of parastatal companies with businessmen from Kigali to ensure continuing revenue from water, power and transportation facilities (para 15).**

The appointment of management of public enterprises in the DRC is the sole responsibility of the Congolese that these Congolese are not the ones favoured by the so-called group of experts cannot be blamed on Rwanda. Rwanda does not entertain any designs to exercise economic control on any portion of the territory of the DRC. The allegation that after its withdrawal, Rwanda has left behind mechanisms for generating revenue is utter falsehood. Rwanda does not have any control over the appointment of management of public enterprises in the DRC. No Rwandans have been appointed to replace Congolese managers as heads of public enterprises. The Government of Rwanda challenges the authors of the report to name even a single Rwandan businessman who has been appointed to such positions and the public enterprises whose Congolese heads have been replaced by Rwandese.

## VII. REPLACEMENT OF LOCAL CONGOLESE CURRENCY WITH THE RWANDAN FRANC

**The report alleges that Rwanda has replaced the local currency with the Rwanda Franc in areas formerly under the control of its troops (para 15);**

Rwanda has not replaced its currency with the Congolese currency in areas of eastern DRC where the RPA was based. What is true is that the Rwandan Franc and currencies of some other neighbouring countries are acceptable as payment in business transactions throughout eastern DRC, but more particularly in border areas. The panel did not make any ground-breaking discovery in finding out that the currency of Rwanda is used in some areas of the DRC. The use of the Rwandan Franc in areas of the DRC adjacent to Rwanda is historical and did not start when the RPA went to the DRC. These foreign currencies in border areas is determined by market forces, as Congolese businessmen and the population at large want Rwandan currency to facilitate the purchase of goods from Rwanda. The use of Rwandan currency also helps avoid the risk of devaluation of the Congolese currency. In any event the use of Rwandan currency should not be interpreted as a form of exploitation of the DRC. The United States Dollar for example is widely used across the whole of the DRC. The panel has not interpreted this as an indication that the United States is exploiting the Congo. The authors of the report ought to explain how the use of Rwandan currency constitutes economic exploitation and the use of the US dollar does not.

## VIII. ALLEGATIONS RELATING TO A CONTINUING MILITARY PRESENCE OF THE RPA IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**The report makes false and unfounded allegations that the withdrawal of Rwandan troops from the DRC has only been partial (para 16); that that there are RPA which specialise in mining operations which remain in place and active in the DRC, though they have ceased to wear uniforms and intend to continue the mining activities under a commercial guise (para 15); that the RPA has recently undertaken an operation to obtain a large number of Congolese passports so as to give an appropriate identity to RPA who continue to be stationed at strategically important sites in the in the DRC ( Para 15); that the RCD-Goma has re-organised its army, the ANC, to accommodate large numbers of RPA and that a significant number of RPA will be integrated into the ANC ( Para 16 ); that most of the ANC forces still have RPA leadership.**

The report's allegations that Rwanda left or has subsequently returned any of its soldiers in the DRC is completely false. Rwanda withdrew all its troops from the DRC. The withdrawal of Rwandan troops was conducted in broad daylight, in the presence and under the supervision of the Third Party (which includes the United Nations Secretary General) as well as representatives of the DRC Government. The total number of troops who were withdrawn from the DRC was 23, 400. The withdrawal was voluntary, in as much as the Government of the DRC had not yet fulfilled its obligations under the Pretoria Agreement to identify, disarm and repatriate ex-Far and Interahamwe present on its territory. Rwanda withdrew its troops from the DRC voluntarily before it was legally obliged to. There was no point in hiding the presence of Rwandan troops in the DRC, had had their continued presence there been considered necessary. No Rwandan troops have been integrated into the RCD-Goma forces as alleged in the report of the panel. The Government of Rwanda challenges the panel to identify by name members of the RPA who have stayed over in the DRC or been integrated into the ANC.

The withdrawal of the RPA from the DRC was carried out in the presence and under the supervision of MONUC. MONUC, the UN agency which is permanently on the ground in the DRC, has certified that Rwanda has withdrawn all its forces from the DRC. On the other hand, the members of the panel which compiled this report completed their investigations more than four months ago. They did not return to the Great Lakes Region to continue investigations after Rwanda started its withdrawal from the DRC. In the circumstances the contradiction between MONUC and the panel as to whether or nor Rwanda has completely withdrawn from the DRC can only be an indication of the panel's obvious bias against Rwanda. It is also an indication of the fact that the panel has been manipulated by some interests hostile to Rwanda.

The withdrawal of the RPA from the DRC was a victory that caught Rwanda's critics and foes by surprise. This is precisely why the enemies of Rwanda want to make the world believe that Rwandan soldiers are still in the DRC disguised in civilian clothes as businessmen. The malicious allegations that the RPA still has some presence in the Congo are politically motivated, designed to discredit Rwanda's stand that its army was in the DRC on account of genuine and legitimate security concerns. These allegations are also intended to undermine the on-going peace process in the Great Lakes Region

## IX. INVOLUNTARY REPATRIATION OF CONGOLESE REFUGEES

**The report alleges that Rwandan officials have repatriated to North Kivu hundreds of Tutsi refugees in Rwanda, allegedly as part of a new tactic for maintaining Rwanda's presence in the DRC;**

The Government of Rwanda denies that any Congolese refugees have been repatriated to the DRC against their will. The repatriation of Congolese refugees from Rwanda was a result of the success of the RPA in the promotion of inter-ethnic harmony and the pacification of areas of eastern DRC where the RPA was operating. The return of the Congolese refugees of Rwanda ethnicity to the DRC was initiated by other Congolese communities who invited and encouraged them to return and mobilised the necessary resources to finance the repatriation. The refugees who have returned to the DRC departed of their own free will. Those refugees who did not wish to return to the DRC are free to stay in Rwanda.

Admittedly the Government of Rwanda has not objected to the return of refugees who wish to go back to Congo. Congo is their motherland. Some extremist Congolese would wish to deny these ethnic Rwandese of their citizenship and advocate for their stay in Rwanda. These refugees came to Rwanda fleeing the Interahamwe and ex-Far. The Interahamwe, ex-Far and Congolese extremists should not, under any circumstances, be permitted to succeed in displacing these Congolese citizens permanently and rendering them stateless.

## X. USE OF FORCED LABOUR

**The report alleges that a variety of forced labour regimes have been found at sites which have allegedly been managed by the so-called RPA mining *detaches*, some for coltan collection, some for transport, others for domestic services. The report says that there are many accounts reporting widespread use of prisoners imported from Rwanda who work as indentured labour (para 76). The report further alleges that in areas which have been under the control of the RPA, children have become instruments of war, forced to work in the mines and conscripted into the armed forces (para 94); that with minor exceptions, the objective of military activities of Rwanda in the DRC was to secure access to mining sites or to ensure the supply of captive labour (para 93);.**

The allegation that the RPA has transported prisoners to the DRC to work in the mines is not only baseless and unfounded, but malicious. All detention centres of Rwanda are open to the International Committee of the Red Cross. The ICRC visits and registers each of these prisoners each month. Prisoners can only be removed from prisoners on the written authority of a prosecutor. It would be impossible to remove any prisoners from these detention centres without the knowledge of the ICRC. Prisoners are visited by members of their families several times every week. In the circumstances, the disappearance of prisoners from Rwanda's prisons could never be kept a secret. The report's allegations that RPA imported prisoners to work in the mines in the DRC is an insult to both the people of Rwanda and members of the international community at large. The report's attempt to portray Rwanda as a lawless country where prisoners can secretly be taken out of prison and take to work as forced labourers in another country is very only absurd. The Government of Rwanda challenges the authors of the report to identify by name a single prisoner who has been taken from a detention centre to work in the mines in the DRC.

Similarly, the Government of Rwanda denies that its army has forced children or indeed any other people to work in any mines against their will.

## XI. UNDERMINING THE ECONOMY OF THE DEMOCRATIC REPUBLIC OF THE CONGO

**The report alleges that the RPA has schemed to seize control of the economy of Kisangani and others areas of eastern DRC selling consumer items at attractive prices and that this has led to the collapse of local industry, such as the textile factory and palm oil production (paras 86, 87).**

The Government of Rwanda denies that the RPA is involved in the supply of consumer goods to the population of eastern DRC. The supply of consumer goods is done by private businessmen, most of whom are Congolese. The supply of such goods is also open to all businessmen.

In any event, the suggestion that the supply of consumer goods to the community at reasonable prices is a bad thing to do is outrageous. Consumers would be the best judges as to what is in their best interest as far as the choice of goods on which they wish to spend their money is concerned.

The allegation that Rwanda is scheming to destroy Congo's economy is ridiculous since the economy of the DRC collapsed long before Rwanda went into the Congo. The social problems and economic collapse of the DRC have not been of Rwanda's making. The exploitation and plunder of the resources of the DRC begun more than a century ago when King Leopold acquired the Congo as his personal state, continued through out the period of colonization and the long reign of Mobutu and has reached its zenith during the Kabilas's presidency. The report's attempt to blame Rwanda for Congo's current economic ills is an interesting and dramatic turn of events whereby the very societies which have long plundered the Congo and nurtured the successive dictators who facilitated the plunder are turning around to blame innocent Rwanda

## XII. CONCLUSION

The report of the previous panel was a collection of many false and baseless allegations. The Government of Rwanda responded to those specific allegations (paragraphs 33, 37, 38, 55, 58, 60, 61, 64, 68 76, 77, 83, 84, 110 – 114, 196 - 197 to name a few) and takes note that the current panel has not dared repeat any of the specific allegations to which the Government of Rwanda drew attention.

It is most unfortunate that the panel which compiled the current report did not learn from the mistakes of its predecessors and has failed to address the short comings which led to the rejection of the previous report.

The Government of Rwanda would like to point out the following fundamental shortcomings of the report.

### 1. The report is a result of an unprofessional, prejudiced process of investigation

As already indicated in the introduction to this rebuttal, the report is biased, poorly researched and displays grossly unprofessional conduct on the part of its authors. Nothing illustrates the lack of objectivity and prejudice on the part of the members of the panel than the report's views on the nature of the security threats posed to Rwanda by the presence of Interahamwe and the Ex-FAR in the DRC. The report's findings disregard well-known facts about the presence and activities of the Ex-Far and Interahamwe in the DRC.

The Rwandan army had to go into the DRC because the international community abdicated its responsibility not only to prevent or stop the 1994 genocide but also to disarm the Interahamwe and Ex-FAR and protect the people of Rwanda from their continued attacks. That the so-called experts should have the audacity to shamelessly suggest that the presence of Rwanda in the DRC was motivated by material considerations is not only an unforgivable insult to the memory of victims of the 1994 Rwanda genocide and subsequent violence at the hands of the Ex-FAR but would appear to be a conspiracy to cover up the continuing failure of the international community to address the problems created by the presence in the DRC of the genocidal forces.

Many other issues in respect of which the panel's findings and conclusions have fallen far short of standards of a panel established by the Security Council have been pointed out in this rebuttal to the report.

### 2. The report deliberately ignores the history and gives a distorted picture of the dynamics of trade links in the Great Lakes Region

There are trade exchanges between eastern DRC and many other countries, including Rwanda. As the report itself acknowledges, this trade benefits the people of Congo as much as it benefits the foreign businessmen who do trade in the DRC. Trade between Rwanda and Congo has been going on from time immemorial and the economic life of the Eastern DRC cannot be expected to be shut down because the central government does not control the area.

### 3. The report fails to recognise the background to and implications of the rebellion in Eastern DRC.

Rwanda acknowledges that there is open and transparent trade between Rwanda and some area under the control of the RCD. The war in the DRC has now been going on for four years. The RCD is for all intents and purposes the authority of government in eastern DRC. It is recognized as such by the Lusaka Peace Agreement to which the Government of Congo is a party. States and even the United Nations deal with and recognize it. The rebel administration is responsible for governing of this territory. They maintain security, provide social services, levy tax and regulate trade much as any Government anywhere else does. The notion that all business going on in rebel controlled areas in accordance with the laws in force in that area is illegal does not make any sense. Neither would the cessation of economic activities between the eastern DRC and the rest of the world have been in the interest of the population.

### 4. The authors of the report have a flawed understanding of 'legitimacy' and ' illegality' as legal concepts

In fulfilling its mandate to prepare a report on the 'illegal Exploitation of the Natural Resources and other forms of Wealth of the Democratic Republic of Congo Government of Rwanda', the panel should first and foremost have addressed the issue as to which business transactions are legal and which are illegal.

What constitutes legal and illegal exploitation of natural resources is a legal matter. The report disregards the applicable treaties and conventions and does not make any attempt to explain the legal basis for categorising business carried out in eastern DRC al illegal.

5. **The report fails to take into account the provisions of bilateral and multilateral treaties to which both Rwanda and the DRC are parties**

Trade between Rwanda and the DRC is permitted by the laws of and bilateral and multilateral agreements between our respective countries.

In light of the above facts, it is inconceivable that a panel established by the United Nations Security Council could seriously argue that Rwanda does not face any threats to her security from the DRC. As the insurgency of 1997 and 1998 showed, these groups have the capacity to wreak havoc and instability in Rwanda and the entire region.

6. **The report promotes the ideology of genocide.**

One of the most positive results of the deployment of the RPA in the DRC has been the restoration of ethnic harmony and the pacification of areas of eastern DRC where inter ethnic violence was previously the order of the day. The authors of the report deliberately covered-up this positive development and instead sought to highlight and emphasis potential for ethnic divisions.

The most shocking aspect of the report is the attempt by the panel to create the Hutu/ Tutsi dichotomy and to incite the Banyarwanda population not only in Rwanda but also in the Great Lakes Region to violence. The allegation of abandonment of Hutu members of the RPA in the DRC (para 16); of coercion and violence against Congolese Hutu (para) 67) and deportation to DRC and enslavement of Rwandan Hutu (para) 93) can only be intended to incite Hutus to violence against Tutsis. The Government of Rwanda condemns the use of a UN panel or of the UN itself to be a conveyor of incitement to ethnic, racial or religious violence whatever the excuse.

The Government of Rwanda requests the UN Secretary General to seek an appropriate explanation from the members of the panel and to take the necessary measures to avert any adverse consequences that might result from the irresponsible report of the members of the panel.

In view of the fundamental shortcomings of the report enumerated above, the Government of Rwanda is of the opinion that the report is not worthy of the serious consideration of an organ such as the Security Council. The acceptance of such a prejudiced and grossly unprofessional report by the Security Council would no doubt tarnish the Security Council's image.

The Government of Rwanda recommends that the Security Council rejects the report in its entirety.